



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/781,089

02/18/2004

Louis Sardo

G801

3363

39747

7590

10/05/2005

GOLDSTEIN LAW OFFICES, P.C.
2071 CLOVE ROAD - 204
STATEN ISLAND, NY 10304

EXAMINER

RUSSELL, CHRISTINA MARIE

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/781,089

Applicant(s)

SARDO, LOUIS

Examiner

Christina Russell

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-11 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
2. On page 10, first paragraph, there is no mention to which Figure the description and reference numbers belong.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over the US patent to Murphy (6,472,038) in view of the US patent to French (5,743,458).
5. Murphy shows a decorative, all occasion picture frame cover that temporarily attaches to picture frames of varying sizes that includes a front, a rear, sides and a window defined by a border (see figure 3). Murphy teaches the cover obscuring the border and the side panels wrapping around or attaching to the sides of the frame with stretchable edging that conforms to the shape and size of the frame (see column 1,

Art Unit: 2837

lines 47-51, column 2, lines 39-45, and column 3, lines 63-66). Murphy does not teach the cover spanning across and obscuring the window of the frame or a bow affixed to the center panel. French does teach of a stretchable holiday wrapping that can be affixed with a bow and span the full width and length of the window obscuring the picture from view (see figures 4 and 8b, column 1, lines 6-18 and 45-49, column 3, lines 36-41, column 5, lines 35-40, and column 8, lines 9-31). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the principle of covering a picture frame by Murphy and incorporate the holiday bow decoration and wider expanse of the stretchable wrapping of French. Both inventions use the same type of material to cover an object and use that cover as a decorative means.

6. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of French as applied to claim 1 above, and further in view of Rudoy (US 2002/0136004).

7. In terms of claim 2 and 3, Murphy and French combined teach all the above claimed elements except for the decorative bow having a blinking light and the frame cover further consisting of a music player, both activated by a sensor, in this case the motion of the frame or gift being unwrapped. Rudoy however, does teach of such blinking lights and music playing (see page 1, paragraph [0010], page 2, paragraphs [0023] and [0026], and page 3, paragraph [0033]). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate this ornamentation to further decorate the cover and put the viewers of the cover into the holiday spirit. The

Art Unit: 2837

addition of the motion activated lights and music also make it more fun for the family, especially children.

8. As for claim 4, Murphy, French and Rudoy teach all the above claimed elements, and French and Murphy both teach the chosen material for the cover or wrapping being of a stretchable material such as spandex or cotton (see Murphy, column 3, lines 4-8, and French, column 1, lines 16-18).

9. As for claim 5, Murphy, French and Rudoy teach all the above claimed elements, and Murphy shows the cover as rectangular to conform over a rectangular picture frame (see figure 1, and column 2, lines 47-51), and French teaches the configuration the stretchable wrap as many shapes including a rectangular flat sheet and rectangular sleeve (see figures 2-4, and column 5, lines 64-65).

Allowable Subject Matter

10. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11.

12. Claims 7-11 are allowed.

13. In terms of claim 7, as sated above in claim 1, Murphy and French together teach of a temporary decorative picture frame cover that can cover a standard picture frame consisting of a front, a rear, sides and a window defined by a border, and the cover

Art Unit: 2837

consisting of a front panel, side panels secured by stretchable rear edging that forms a rear border, spans the front of the picture and adorned with a bow. It can be seen from the Figures of Murphy that when placing the cover on, the side panels must align with the sides of the frame and the stretchable edging must extend behind the frame resting flush against the rear of the frame without actually adhering to it. Neither Murphy nor French teaches of the method to which this cover or wrapping is removed or to how it is to be stored.

14. As for claims 8 and 9, Murphy and French teach all the above mentioned elements except for the method in which to remove or store the cover and the addition of a blinking light residing in the bow and the addition of a music player. Rudoy teaches such a light and music player, but Rudoy does not teach the light and music being activated by a sound sensor, only the activation by motion.

15. As for claim 10, Murphy, French and Rudoy teach all the above mentioned elements, including the teaching of Murphy concerning a support arm that is not covered by the frame cover and is allowed to pivot away from the rear of the frame. Again, none of these inventors teach the method of how to remove or store the covering.

16. As for claim 11, Murphy, French and Rudoy teach all the above mentioned elements, except for the method of removing and storing the cover, and the addition of a backlight to illuminate the front panel and make the picture in the frame visible through the covering.

Art Unit: 2837

Conclusion

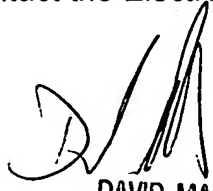
17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The US patents to French (5,529,395) and Clarke-Bolling et al. (5,392,983).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina Russell whose telephone number is 571-272-4350. The examiner can normally be reached on Mon-Fri, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CR
09/20/2005


DAVID MARTIN
SUPERVISOR, PATENT EXAMINER
TECHNICAL CENTER 2700

Application/Control Number: 10/781,089

Page 7

Art Unit: 2837